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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/803,531	03/16/2004	Douglas D. Darling	D/A2397-US-CNT	5951	
7590 07/14/2004			EXAMINER		
Patent Documentation Center			DUDDING, ALFRED E		
Xerox Corporation Xerox Square 20th Floor			ART UNIT	PAPER NUMBER	
100 Clinton Ave. S.			2853		
Rochester, NY 14644			DATE MAILED: 07/14/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the procisions of 3 CPR 1.138(a). In no event, however, may a reply be timely filled Extensions of time may be available under the procisions of 3 CPR 1.138(a). In no event, however, may a reply be timely filled  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If the period for reply specified above, the machine of specified within the statutory produced by the visual property of the period of the statutory period will apply and will expense (40) MONTHS from the realing date of this communication.  Palmeter begly white is a construction of the statutory period will apply and will leaps (40) MONTHS from the realing date of this communication.  Palmeter begly white is a construction of the statutory period will apply and will leap the statutory period will be constructed.  Palmeter begly white is a construction of the statutory period will apply and will leap the statutory minimum of the statutory period will be communication.  Palmeter begly white is a construction of the statutory period will be communication.  Palmeter begly white is a construction of the statutory period will be communication.  Palmeter begly white is a construction of the statutory period will be communication.  Palmeter begly white is a construction of the statutory period will be communication.  Palmeter begly white is a construction of the statutory period will be communication.  Palmeter begly will be constructed by the statutory period will be communication.  Palmeter begly will be constructed by the statutory period will be palmeter begly be and the statutory period will be palmeter.  Palmeter begly will be a constructed by the statutory period wil		Application No.	Applicant(s)					
Alfred E. Dudding	Office Action Occurrence	10/803,531	DARLING, DOUGLAS D.					
The MAILING DATE of this communication appears on the cov_r sheet with the correspondence address = Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of team reply be visible used the provious of 37 CFR 1.13(d), in no event, however, may a reply be timely filed  Extensions of team reply be visible used the provious of 37 CFR 1.13(d), in no event, however, may a reply be timely filed  Extensions of team reply be visible used the provious of 37 CFR 1.13(d), in no event, however, may a reply be timely filed  Extension of the period for reply specified above is less band hirty (30) days, a reply within the beatway minimum of thirty (30) days, will be considered timely.  If the period for reply specified down, the manufacture provided high provided by the days and the provided provided by the manufacture of the period of the period of the provided by the days and the period of the provided by the communication.  Final period for reply specified above is less band hirty (30) days will be considered timely.  If the period for reply specified above is less than the period of t	Office Action Summary	Examiner	Art Unit					
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2a) ☐ This action is FINAL.  2b) ☐ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☐ Claim(s) 1-21 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(e)  1) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☐ Notice of Informal Patent Application (PTO-152)	Status							
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## **DETAILED ACTION**

## Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 - 21 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 21 of U.S. Patent No. 6,379,690 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the '690 patent discloses a drop firing waveform including in sequence a first pulse of a first polarity (negative), a pulse of a second polarity (positive), and a second pulse of the first polarity

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(negative). Amplitudes, duration, and shapes of this sequence of pulses of claims 1-21 are

respectively the same as for claims 1-21 as in the instant application.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alfred Dudding whose telephone number is (571) 272-

2144. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:00

PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Meier, AU 2853, can be reached at (571) 272 - 2149. The fax phone

number for this Group is are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the group receptionist whose telephone number is (703)

308-0956.

Stephen D. Meier Primary Examiner Page 3

Alfred Dudding

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7/1/04